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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,349	04/15/2004	Kiyoshi Tokishige	1248-0715PUS1	6336

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EXAMINER

WALSH, RYAN D

ART UNIT	PAPER NUMBER
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2852

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

10/824,349

Applicant(s)

TOKISHIGE ET AL.

Examiner

Ryan D. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 12, 15, 16, 19 and 23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 13, 17, 18 and 20-27 is/are allowed.
- 6) ☒ Claim(s) 1, 7, 8, 10, 11 and 14 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 8 is objected to because of the following informalities:

Regarding claim 8, the claimed, "other device" lacks proper antecedent basis in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, the claimed, "removable cover serves a second function which is different from the first function **while maintaining the first function**" is indefinite. Specifically, regarding the claimed, "maintaining the first function" it is unclear how the external cover can serve as a second function, which is different function, while still maintaining a first function.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-8, 10, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cavello et al. (US Pat. # 5,769,646), hereinafter referred to as Cavello.

Regarding claim 1, Cavello teaches, "A device which is a first device (Fig. 1, ref. # 10) for fitting a second device (60) thereto, the device, comprising: an attaching section (30) to which the second device is fitted; and a removable cover (12 & 38) that can be entirely detached from a main unit of the first device (nothing holds 38 & 12 within 34, see Figures 2, 3 and 4), when the second device (60) is not fitted to the main unit of the first device, the removable cover serving a first function as a cover for the attaching section (see Fig. 1, ref. # 12 & 38), when the second device (60) is fitted to the main unit (10) of the first device, the removable cover serving a second function (Col. 6, Ln. 33-38) which is different from the first function, such that the removable cover is entirely detached from the first device at a location (location for covering is at ref. # 30 in Fig. 2A) at which the removable cover serves as a cover for the attaching section and then reattached to one of either the first device and the second device in a state different from a state when the second device is not fitted to the main unit of the first device (see Fig. 1, ref. # 12 compared to Fig. 2A)."

Regarding claim 7, Cavello teaches, "the second function is a function associated with the second device (Fig. 2A, ref. # 64 in 26)."

Regarding claim 8, Cavello teaches, "An image forming device including: an attaching section (30) for fitting another device (60) thereto; and an removable cover (12

& 38) covering the attaching section, wherein: when the other device (60) is not fitted to the image forming device (Fig. 1), the removable cover serves a first function as a cover for the attaching section (see Fig. 1), and when the other device (Fig. 2A, ref. # 60) is fitted to the image forming device, the removable cover (12 & 38) serves a second function (Col. 6, Ln. 33-38) which is different from the first function while maintaining the first function, such that the removable cover is provided to the image forming device or the other device in a state different from a state when the other device is not fitted to the image forming device (see Fig. 1, ref. # 12 compared to Fig. 2A)."

Regarding claim 10, Cavello teaches, "An image forming device (10) comprising an attachment section (30) at which said image forming device is connectable to an auxiliary device (60), and a removable cover (12 & 38) attachable to said image forming device (10) in a first manner to cover said attachment section (30) and in a second manner to enable said image forming device and the auxiliary device to function together when the auxiliary device is connected to said image forming device (60 connecting to 30, and 64 fitting in 26), wherein when the removable cover (12 & 38) is to be attached in the second manner after it is attached in the first manner, the removable cover (12 & 38) is entirely detached from the image forming device and then reattached to the image forming device in the second manner (location for covering is at ref. # 30 in Fig. 2A, also nothing holds 38 & 12 within 34, see Figures 2, 3 and 4)."

Regarding claim 11, Cavello teaches, "said removable cover is secured to said image forming device at a first location to cover said attachment section and at a second location spaced from said first location to enable said image forming device and

the auxiliary device to function together when the auxiliary device is connected to said image forming device (Fig. 1, and Fig. 2A)."

Regarding claim 14, Cavello teaches, "said cover comprises a reflective surface (see Col. 6, Ln. 46, plastic is reflective)."

Allowable Subject Matter

Claims 9, 13, 17-18, and 20-27 are allowed.

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, the prior art does not teach or suggest the claimed, "one of the first device and the second device is provided with object determination means which determines whether or not there exists any object at a predetermined position...while the second device is fitted to the main unit of the first device, the removable cover exists at the position determined by the object determination means, and is attached to a device which is not provided with the object determination means of the first device and the second device."

Regarding claim 9, the prior art does not teach or suggest the claimed, "if the removable cover does not serve the second function when the second device is fitted to the main unit of the first device, at least one of the main unit of the first device, and the

main unit of the first device and the second device, is caused not to operate.” Note, according to applicant’s specification (Page 17, Ln. 9-13, the claimed “second function” is when the cover functions as a “shock-absorbing member” with respect to an actuator).

Regarding claim 13, the prior art does not teach or suggest the claimed, “said cover is adapted to engage an actuator on the auxiliary device when said cover is secured to said image forming device in the second manner and is to function as a shock absorbing device.”

Regarding claim 20, the prior art does not teach or suggest the claimed, “method of preventing loss of the removable cover comprising the steps of: configuring the auxiliary device or the image forming device so as to be inoperable when the auxiliary device is connected to the image forming device unless an enabling device is connected to the image forming device; and configuring the removable cover as the enabling device.” Note: Claim 24 encompasses nearly identical claim structure as claim 20, therefore allowable for the same reasons.

Response to Arguments

Applicant’s arguments filed January 25, 2007 have been fully considered but they are not persuasive.

Referring to page 20 -21, specifically regarding the language, “The Examiner’s difficulty concerning clarity results from the fact that the Examiner is reading the claims in a vacuum and not in light of the specification”, the examiner strongly disagrees.

Amended claim 8 recites the language, "when the other device is fitted to the image forming device, the removable cover **serves a second function which is different from the first function while maintaining the first function.**" It is still unknown how an object (the claimed removable cover), can serve a second purpose (act as an enabling device, or shock absorbing member) which is different from the first function (cover member for covering the attaching section), while maintaining this first function (as a cover member). The claim has been read in light of the specification, and one of ordinary skill in the art would not be able to perform or understand the metes and bounds of the claimed invention in light of applicant's specification.

Also referring to Page 23, specifically referring to the language, "In contrast, the electrical connector guard 12 of Cavello et al. always remains attached to the personal computer 10 as it moves from one position to another, or to serve a second function after serving a first function", the examiner disagrees. As seen in Figures 2, 3 and 4 of Cavello, the connector guard 12 is free to slide within ref. # 68 and 72, as seen in Figure 4, enabling the guard to be completely detached from the main unit. There is no support showing the electrical connector guard "always remains attached to the personal computer" as stated by applicant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

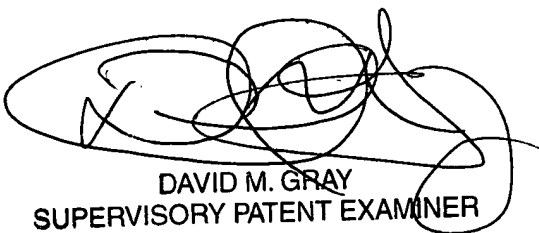
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Walsh whose telephone number is 571-272-2726. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan D. Walsh
Patent Examiner
Art Unit 2852



DAVID M. GRAY
SUPERVISORY PATENT EXAMINER